

FILED  
Clerk  
District CourtPROB 12C  
(12/04)

## UNITED STATES DISTRICT COURT

FEB - 8 2006

for

District of the Northern Mariana Islands

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Francisco R. Santos Case Number: 00-00008-001Name of Sentencing Judicial Officer: Alex R. MunsonDate of Original Sentence: August 15, 2000Original Offense: Attempted Interference with Commerce by Robbery, 18 U.S.C. § 1951

Original Sentence: Sentenced to 63 months imprisonment followed by three years of supervised release with conditions to include that he not commit another federal, state, or local crime; submit to one urinalysis within 15 days of release and two additional urinalysis thereafter not exceed 60 days; participate in a substance abuse treatment program approved by the U.S. Probation for treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse; refrain from the use of any and all alcoholic beverages; seek and maintain gainful employment; perform 300 hours of community service under the direction of the U.S. Probation Office.

Type of Supervision: Supervised Release Date Supervision Commenced: March 14, 2005Assistant U.S. Attorney: Jamie Bowers Defense Attorney: Bruce Berline

## PETITIONING THE COURT

- ☐ To issue a warrant
- ☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
(1)	Failure to comply with federal, state, or local crime

(1)  
Mandatory  
Condition

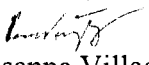
Failure to comply with federal, state, or local crime

## U.S. Probation Officer Recommendation:

☒ The term of supervision should be☒ revoked.☐ extended \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.☐ The conditions of supervision should be modified as follows:*\*See attached report\**I declare under penalty of perjury  
that the foregoing is true and  
correct.

Reviewed by:

Reviewed by:

  
Rossanna Villagomez-Aguon

Jamie Bowers

U.S. Probation Officer  
Supervision Unit LeaderAssistant U.S. Attorney  
  
Margarita DLG. Wonenberg

U.S. Probation Officer

Date: 2/1/06Date: 2/8/06Executed on: 2-08-06**THE COURT ORDERS:**☐ No action.☒ The issuance of a warrant.☐ The issuance of a summons.☒ Other*if released from CMS custody - Detain and bring  
before the U.S. Federal Court CMS*  
Signature of Judicial Officer2-8-06  
Date

**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

United States of America	)	USDC Cr. Cs. No. 00-00008-001
Plaintiff,	)	
	)	
	)	DECLARATION IN SUPPORT OF PETITION
vs.	)	
	)	
Francisco Reyes Santos	)	
Defendant.	)	
	)	

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I, U.S. Probation Officer Margarita DLG Wonenberg, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Francisco Reyes Santos, and in that capacity declare as follows:

On August 15, 2000, Mr. Santos was sentenced to 63 months imprisonment followed by three years supervised release for the offense of Attempted Interference with Commerce by Robbery, in violation of 18 U.S.C. § 1951. Mr. Santos commenced his term of supervised release on March 14, 2005. He is alleged to have violated the following condition:

**Mandatory Condition:** *That the defendant shall not commit another federal, state, or local crime.*

On November 10, 2005, Mr. Santos notified this officer that he had been arrested and was detained at the Susupe Detention facility. Investigations into his arrest resulted in the probation office's receipt of an Information on December 19, 2005. The Information was filed in the Superior Court of the Commonwealth of the Northern Mariana Islands on November 16, 2005 under criminal case 05-0347, and charged Ryan Duenas, Anthony P. Santos, and Francisco Reyes Santos with Count I: Conspiracy to Commit Burglary (6 CMC § 1801(a), with the purpose of committing Theft (6 CMC § 1601(a)), in violation of 6 CMC §§ 303(a), punishable by 6 CMC § 304(b), 6 CMC § 1801(b)(1), and 4101; Count II: Burglary, with the purpose of committing Theft (§ 1601(a)), in violation of 6 CMC § 1801(a) and punishable by 6 CMC §§ 1801(b)(2)(A) and 4101(b); Count III: Theft, in violation of 6 CMC § 1601(a), punishable by 6 CMC §§ 1601(b)(1) and 4101(a); Count IV: Criminal Mischief, in violation of 6 CMC § 1803(a)(1), and punishable by 6 CMC §§ 1803(b), 1601(b)(2), and 4101(b); and Counts V, VI, and VII: Solicitation to Commit Burglary. Count VII specifies Francisco Reyes Santos, in violation of 6 CMC § 302(a) and punishable by 6 CMC §§ 304(a)(2), 1801(b)(2)(A), and 4101. The most serious of the charges, Count III- Theft, carries a maximum of ten years imprisonment and up to \$10,000 fine. The other charges carry a maximum of five years imprisonment and up to \$5,000 fine.

The Information states that on or between July 29, 2005 and August 1, 2005, on the island of Saipan, Commonwealth of the Northern Marianas Islands, the defendants conspired to commit and did commit the offenses as charged when they unlawfully entered the warehouse of the CNMI Water Task Force located in Lower Base and unlawfully took property of the CNMI Water Task Force, to wit: supplies and equipment valued at \$61,181.00. Further, the Information alleges that the defendants intentionally caused damage to the property of the CNMI Water Task Force warehouse, to wit: a large hole in the aluminum wall of the warehouse, the value of which property is more than \$250 and less than \$20,000.

Declaration in Support of Petition  
Re: SANTOS, Francisco Reyes  
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Investigations into the case showed that Mr. Santos was arrested by officers of the Department of Public Safety on November 10, 2005, and transported to the station for questioning where he was subsequently detained. On the same day, Detective George David contacted this officer to advise of the defendant's arrest. On November 16, 2005, he was charged accordingly. Bail in his case has been set at \$60,000 cash. He is currently detained.

**Supervision Compliance:** Mr. Santos completed his court-ordered 300 hours community service on July 20, 2005. Prior to his arrest in the local case, he was compliant with his drug treatment program and was in Phase II of the Program. Prior to his arrest locally, he was employed part-time as a construction worker for Chris Sablan, and earned \$3.05 per hour.

**Officer Recommendation:** This probation officer respectfully requests that the Court issue a Summons for Francisco Reyes Santos to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why supervise release in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

Executed this 25<sup>th</sup> day of January 2006, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

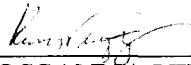
I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:   
MARGARITA DLG WONENBERG  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Jamie Bowers, Assistant United States Attorney  
Bruce Berline, Defense Attorney  
File

## VIOLATION WORKSHEET

1. Defendant Francisco Reyes Santos

2. Docket Number (Year-Sequence-Defendant No.) CR 00-00008-001

3. District/Office Northern Mariana Islands

4. Original Sentence Date 08 / 15 / 00  
month day year

(If different than above):

5. Original District/Office N/A

6. Original Docket Number (Year-Sequence-Defendant No.) N/A

7. List each violation and determine the applicable grade (see §7B1.1(b))

GradeViolation(s)

- Failure to refrain from committing another federal, state, or local crime

B

8. Most Serious Grade of Violation (see §7B1.1(b))

B

9. Criminal History Category (see §7B1.4(a))

VI

10. Range of Imprisonment (see §7B1.4(a))

21-27months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

☐

(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.

☐

(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.

☒

(c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant: Francisco Reyes Santos

**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>NA</u>	Community Confinement	<u>NA</u>
Fine (\$)	<u>NA</u>	Home Detention	<u>NA</u>
CS	<u>-0-</u>	Intermittent Confinement	<u>NA</u>

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §5D1.1-1.3 (see §7B1.3(g)(1)).

Term: \_\_\_\_\_ to \_\_\_\_\_ years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment: 9-15 months

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

**15. Official Detention Adjustment (see §7B1.3(e)): 0 months 0 days**

### Can a New Term of Supervised Release Be Imposed?\*

- ▶ **Step One:**  
Determine the statutorily authorized maximum term of imprisonment available upon revocation\*\* 24
- ▶ **Step Two:**  
Subtract the amount of imprisonment to be imposed (in addition to any term of imprisonment imposed on prior revocation) upon revocation 21-27
- ▶ **Step Three:**  
If the difference is greater than zero the court may impose a new term of supervised release

\*Only applicable in cases where the original offense was committed on or after September 13, 1994.

\*\*18 U.S.C. 3583(e)(3)

### Determining the Term of Supervised Release Available Upon Revocation\*

- ▶ **Step One:**  
Determine the maximum statutory term of supervised release available for the original offense\*\* 36
- ▶ **Step Two:**  
Subtract the amount of imprisonment to be imposed (in addition to any term of imprisonment on prior revocation) upon revocation 21-27
- ▶ **Step Three:**  
The difference is the maximum term of supervised release that can be imposed upon revocation of supervised release 9-15

\*Only applicable in cases where the original offense was committed on or after September 13, 1994.

\*\*18 U.S.C. 3583(b)

Francisco Santos (00-00008)  
Original Offense: Class C Felony  
Violation Grade: Grade B  
Criminal Category: VI (13)  
Revocation imprisonment credit: None  
12-27-05